

## Department of Community Development Staff Report

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**PROPERTY OWNERS:** Living Trust of Lillian Peterson

**APPLICANT:** Jean Galloway Ball, Trustee of the Living Trust of Lillian Peterson

**LOCATION:** 12590 Belle Meade Lane, Markham

**DISTRICT:** Marshall

**PINS:** 6011-46-6292-000

**ACREAGE:** 43.47 acres

**ZONING:** Rural Agriculture (RA)

**LAND USE:** Rural

**MEETING DATE:** October 1, 2020

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**REQUEST:** SPPT-19-012351: The Applicant is seeking approval of a Category 3 Special Permit for a Tourist Home, in accordance with Section 3-3-303.2 of the Zoning Ordinance.

**OUTSTANDING ISSUES:** The Zoning Ordinance (Section 5-302.3) requires the Board of Zoning Appeals to make a finding that the type and amount of traffic generated by the use, being on a property which does not have direct access to a road designated as a Major Collector or higher, will not cause undue impact on neighbors or adversely affect the safety of road usage.

During the February 6, 2020 Board of Zoning Appeals meeting, it was discovered that the driveway to this parcel crosses through PIN 6011-44-4332-000. The Applicant now plans to construct a new driveway access entirely on the subject property.

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### Topic Update:

On February 6, 2020, the Board of Zoning Appeals reviewed this item and a public hearing was held. There were two speakers during the public hearing. One was a neighbor in opposition due to this being an environmentally sensitive area and his concern of strangers on his property. Another was the neighbor who owns the parcel in front of the Applicant's property (PIN 6011-44-4332-

000). During the neighbor's comments it was discovered that the driveway shown to access the subject property was not entirely on their property and actually crossed through PIN 6011-44-4332-000. After discussion, an indefinite postponement was requested by the Applicant to allow time to obtain additional information regarding the easement for the driveway. The public hearing was left open.

Since the meeting, the Applicant researched an easement for the driveway and did not find one. The Applicant tried to work with the neighbor to acquire an easement for the driveway; however, they were not able to come up with an agreeable solution. Ultimately, the Applicant has chosen to construct a new driveway west of the existing driveway entrance. This driveway will connect to the existing driveway north of the adjoining parcel connection.

Zoning and VDOT both reviewed the new application materials submitted on August 4, 2020. All comments from Zoning with the first submission remain as advisory comments and there are no additional comments with the revised materials. Based on field observations including a meeting with the owner, VDOT has no concerns with the proposed access.

#### **Revised Site Map with Proposed New Driveway**



### Topic Description:

The Applicant, Jean Galloway Ball, is seeking approval of a Category 3 Special Permit to operate a Tourist Home. The proposed use will utilize an existing house that has three bedrooms, with a proposed maximum occupancy of eight guests. The 2,500 square foot home is three stories, with three porches, three bedrooms, three bathrooms, a full kitchen and laundry, a fireplace and wood stove, a separate pump house, a maintenance shed and a bridge across the creek leading to a hiking trail in the woods. The house is accessed via a new private driveway and the house is surrounded by mature woods. There is ample parking to accommodate guests.

The property will not be advertised for special events or parties and will be listed as a full unit. The Applicant has indicated that if approved, renters would be provided restrictions including no discharge of firearms, no parking off the property, no off-road vehicles, no large events or commercial gatherings, no noise heard by neighbors and control of pets. It is anticipated that there will be a minimum stay of three days to one week, with a maximum of four rentals per month. The Owner hopes the property will be maintained for future generations and provide opportunities for families to experience the rural life, culture, history, nature, conservation and recreation of northern Fauquier County and Markham, as well as visit local attractions.

### Site Aerial Map



The property is located at 12590 Belle Meade Lane (Route F284), approximately two miles from the intersection of Belle Meade Lane and Leeds Manor Road (Route 688). The 44-acre parcel is zoned Rural Agriculture (RA) and Rural Conservation (RC). In addition to the main house, there is a pump house and maintenance shed on the property. There is a stream crossing through the property, with wetlands adjacent to the stream. The property is served by private well and septic.

0921 RC

0921

6202

RC

6202

RC

9734

5535

9622

5533

2704

4396

2107

5184

4152

8046

0173

4332

02A W (NEW LN)

1.66 E

1.66 W

BELLE MEA DE LN

V

5535

8407

0445

1464

3543

8546

5337

6383

7387

9473

1288

4332

8164

6103

5312

1

0

150

300

600 Feet

Subject Property

Zoning Districts

Rural Agricultural

Rural Conservation

Village

Industrial General

The surrounding properties are zoned Rural Agriculture (RA), Rural Conservation (RC), Industrial General (I-2) and Village (V). These properties generally contain single-family rural residential homes or are vacant. The property to the west is owned by the Linden Rock Quarry and the property to the east is vacant and used for forestry. Hartland Orchard is further to the east.

### **Comprehensive Plan/Land Use:**

The property is located outside of any of the County's Service Districts; as such, it is in a rural area and has a land use designation of Rural. Rural and agricultural uses are sought in these portions of the County. Chapter 8, Rural Land Use Plan, of the Comprehensive Plan includes many goals aimed at enhancing Fauquier County's rural tourism industry. Preservation and protection of environmental, cultural and visual resources, open space and scenic beauty are also goals of Chapter 8. It is important that all rural tourism enterprises not disrupt the character or functionality of the rural area. Pursuant to the Fauquier County Zoning Ordinance, the Board of Zoning Appeals (BZA) is to consider consistency with the Comprehensive Plan when determining whether or not to approve Special Permit requests. With regard to rural property, the chief consideration is compatibility with adjoining agricultural and residential uses. It should be noted that the property is adjacent to the Belle Meade Village. The Village Plans, Chapter 7 of the Comprehensive Plan, identifies a goal of maintaining the unique, visual identity of Fauquier County and preserving these assets for future generations. Staff believes the use of an existing home as a Tourist Home is in line with the goals of the Village Plans.

A Tourist Home can be compatible in such an area; however, the Zoning Ordinance requires a Special Permit for the use in the RA district because not all sites are necessarily appropriate for the particular use or special conditions may be required to ensure compatibility with surrounding areas. Staff believes due to the limited nature of the proposed Tourist Home, the use is consistent with the Comprehensive Plan.

### **Special Permit Analysis:**

The standards below apply to this Special Permit. Following each standard is a staff evaluation in *italics*.

#### **5-006 General Standards for Special Permit and Special Exception Uses**

1. The proposed use shall be such that it will not adversely affect the use or development of neighboring properties. It shall be in accordance with the applicable zoning district regulations and the applicable provisions of the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and/or use of adjacent or nearby land and/or buildings or impair the value thereof.

*The proposed use appears to be in accordance with the applicable Zoning district regulations and the applicable provisions of the adopted Comprehensive Plan. The Applicant will be using an existing home for the Tourist Home; therefore, it is consistent in character with other rural residences in the area. Additionally, the house and parking area are entirely screened from view by the existing mature woods on the property. Therefore, staff does not believe the use will hinder or discourage the appropriate development and/or use of adjacent or nearby land and/or buildings or impair the value thereof.*

2. The proposed use shall be such that pedestrian and vehicular traffic generated will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood and on the streets serving the site.

*The Special Permit request will not generate pedestrian traffic. The property is accessed on Belle Meade Lane (Route F284). As noted below, this property does not meet the requirements for direct access on a road classified as a Major Collector or higher. However, staff feels that, due to the limited nature of the use and the road conditions, there will not be an undue impact on neighbors or adversely affect the safety of road usage.*

3. In addition to the standards which may be set forth in this Article for a particular category or use, the BZA and Board may require landscaping, screening, yard requirements or other limitations found to be necessary and appropriate to the proposed use and location.

*The existing house is approximately 800 feet from Belle Meade Lane and 800 feet from the closest residence. The property is entirely wooded; therefore, the house and parking area are adequately screened from adjacent residences. Staff does not believe any additional landscaping, screening, yard requirements or other limitations are necessary.*

4. Open space shall be provided in an amount at least equal to that specified for the zoning district in which the proposed use is located.

*There are no open space requirements with the proposed use within the RA or RC zoning districts.*

5. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Low impact development techniques are encouraged by the County and shall be incorporated into the site and facility design when deemed appropriate by the applicant after consultation with appropriate county officials. Parking and loading requirements shall be in accordance with the provisions of Article 7.

*Adequate facilities appear to be provided. Staff has included a condition that requires demonstration of adequate water and septic facilities prior to establishing the use. The Applicant will be required to submit verification from the Health Department as part of the Site Plan. This standard will be further addressed during the required Site Plan review.*

6. Signs shall be regulated by the provisions of Article 8, except as may be qualified in the Parts that follow for a particular category or use. However, the BZA and the Board, under the authority presented in Section 007 below, may impose more strict standards for a given use than those set forth in this Ordinance.

*The Applicant would like to put a small decorative sign at the entrance of the new driveway. The Applicant has indicated the sign will not be illuminated, it will simply be to direct guests. Staff has included a condition which limits the signage to a maximum of six square feet and prohibiting illumination.*

7. The future impact of a proposed use will be considered and addressed in establishing a time limit on the permit, if deemed appropriate. Existing and recent development, current zoning and the Comprehensive Plan shall be among the factors used in assessing the future impact of the proposed use and whether reconsideration of the permit after a stated period of time would be necessary and appropriate for the protection of properties in the vicinity and to ensure implementation of the Comprehensive Plan.

*Staff has not included a time limit.*

8. The proposed use shall be such that air quality, surface and groundwater quality and quantity, are not degraded or depleted to an extent that would hinder or discourage the appropriate development and/or use of adjacent or nearby land and/or buildings or impair the value thereof.

*Staff does not believe that the proposed use will deplete or degrade air quality or surface/groundwater quantity and quality to an extent that would hinder or discourage development of nearby properties. This standard will be further evaluated during the Site Plan process.*

9. Except as provided in this Article, all uses shall comply with the lot size, bulk regulations, and performance standards of the zoning district in which located.

*All applicable standards of the RA and RC zoning district have been met.*

### **CATEGORY 3 TRANSIENT HOUSING**

#### **5-302 Additional Standards for Tourist Homes and Boarding Houses**

1. Such a use shall provide accommodations for not more than twelve (12) persons.

*The existing house has a total of three bedrooms. The Applicant has requested to use the entire home, with a maximum occupancy of eight guests. Staff has included a condition allowing a maximum of eight guests associated with the proposed use on the property at one time.*

2. Off-street parking for the use shall be in accordance with the provisions of Article 7, shall not be located in any required front yard, and shall be effectively screened.

*The proposed parking area is adjacent to the house, adequately screened by existing vegetation.*

3. Such a use shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Supervisors or Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

*Belle Meade Lane (Route F284) is designated as a Local Road in the Comprehensive Plan, which does not meet the standard. As such, approval requires a finding related to the road classification. The property is generally accessed from I-66 and Leeds Manor Road (Route 688), traveling 2.4*



*miles west on Belle Meade Lane. Belle Meade Lane is a two-lane, paved road, approximately 24 feet in width and contains a double center stripe. As noted above, due to the limited nature of the use and the conditions of the road, staff does not believe the use will cause an undue impact on the neighbors or adversely affect safety of road usage.*

4. In Residential and Rural Zoning Districts, the Building(s) so used shall have the exterior appearance of a single family residence and normal residential accessory structures.

*The proposed tourist home is an existing residential structure consistent in character with that of surrounding residential properties; therefore, this standard has been met.*

#### **Agency Comments:**

Staff and appropriate referral agencies have reviewed the application and have the following comments. Staff has noted how the items will be addressed in *italicized* language following the comments.

#### Zoning:

1. A Tourist Home may be permitted in the Agriculture (RA) district with the approval of a Special Permit and a Site Plan per Section 303.2 of the Zoning Ordinance.

*Provided for reference; no action required.*

2. Section 5-006 *General Standards for Special Permits and Special Exception Uses* applies to the subject property. Zoning staff defers to Planning staff in the compliance assessment of these standards.

*Please see staff evaluation above.*

3. Section 5-302 *Additional Standards for Tourist Homes and Boarding Houses* applies to the subject property. Zoning staff defers to Planning staff in the compliance assessment of these standards.

*Please see staff evaluation above.*

4. Belle Meade Lane is classified as a Local Road per Chapter 10 of the Comprehensive Plan. Per Section 5-302.2, should the Board of Zoning Appeals approve the request to allow a Tourist Home, the Board must make a finding that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

*Please see staff evaluation above.*



5. Should the Board of Zoning Appeals (BZA) decide to approve the request, site plan approval is required prior to commence of the use per Section 303.2, and must meet the standards found in Article 12.

*Staff has included a condition addressing this comment.*

6. A Zoning Permit to change the use of the structure will be required prior to the commencement of the Tourist Home use, after final approval of the required Site Plan.

*Staff has included a condition addressing this comment.*

7. Health Department verification that the sanitary drainfield is adequate for the proposed use, and that all applicable Health Department requirements have been met, must be provided as a part of the Zoning Permit application.

*Staff has included a condition requiring all applicable Health Department requirements.*

8. All exterior lighting associated with the Tourist Home use must conform to the requirements of Article 9, Part 10 of the Zoning Ordinance, and must consist of fully-shielded, full cut-off fixtures.

*Staff has included a condition requiring all lighting be in conformance to Article 9, Part 10 of the Zoning Ordinance.*

9. All signage associated with the Tourist Home use must conform to the requirements of Article 8 and will require a separate sign permit.

*Staff has included a condition that has limited signage to six, non-illuminated square feet and required Zoning Permits be obtained.*

10. As a recommendation, the Applicant should discuss the proposed use with the Building Official, Jeff Morrow, to ensure that all applicable building codes can be met for the proposed use.

*Comment has been provided to the Applicant.*

11. To meet the Zoning Ordinance's definition of a Tourist Home or Boarding House (§15-300) an owner shall reside on the property when the tourist home is open to guests or a caretaker who resides near-by shall be identified.

*A condition has been included which addresses this comment.*

Virginia Department of Transportation (VDOT):

If the property is going to be rented as a single family home, then VDOT has no comments to offer on the application. However, if the property is rented to multiple parties, then the Applicant needs

to demonstrate adequate stopping sight distance along Route F284 can be obtained at the entrance in accordance with the VDOT Road Design Manual Access Management Regulations (Appendix F).

*The Applicant is planning to rent the property as a single-family home. Staff has included a condition that the property shall only be rented to one party at a time.*

*It should be noted that a VDOT representative met the Applicant on-site to review the location of the new driveway. They believe the new location will be adequate for the proposed use.*

Virginia Department of Health (VDH):

Based on the Applicant's Statement of Justification, the proposed use does not require a VDH permit for Lodging. It is recommended that the Applicant have their water tested annually for coliform bacteria and to have a licensed professional maintain their onsite sewage disposal system.

*Staff has recommended a condition addressing this comment.*